

FROM BELL, RYNIKER & LETOURNEAU

(TUE) 5.13'08 11:46/ST. 11:46/NO. 4860098315 P 1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ASPEN INFRASTRUCTURE LTD., F/K/A
SUZLON INFRASTRUCTURE LTD.,

07 Civ. 8813 (RWS)

Plaintiff,

— against —

DECLARATION OF
ROBERT GUTIERREZ IN
OPPOSITION TO DEFENDANT'S
MOTION TO VACATE
MARITIME ATTACHMENT

E.P. TEAM, INC.,

Defendant.

X

I, ROBERT GUTIERREZ, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS
OF THE UNITED STATES THAT THE FOLLOWING IS TRUE AND CORRECT:

1. I am over the age of twenty-one years, and fully capable and competent to make this Declaration.

2. In 2006 and 2007, I was one of the principals of General Maritime Agency ("Gnmar"), which is a company based in Houston that provides steamship agent and cargo brokerage services for vessels calling in Texas, primarily in the Port of Houston.

3. In the spring of 2006, Roger Clarke approached me to see if I would be interested in a deal working ships for Aspen Infrastructure. Clarke introduced me to Jesse Baiza. GnMar leased Clarke and Baiza some very cheap office space in Gnmar's building, and provided them with office furniture, copy machine and phones. I introduced Clarke to various freight forwarders in Houston for the purpose of soliciting business. I spoke with Clarke about business strategy every day, including hiring people, scheduling ships, and obtaining cargo freights, among other subjects. Clarke and Baiza worked out of the office space as ProShipLine for about eight to twelve months.

4. In my discussions with Clarke, he talked about EP-Team, how big the company was, and how it was associated with Ross Perot. He also said that EP-Team served as freight forwarders in the Dallas area, and that EP-Team wanted to keep its relationship with ProShipLine in Houston under wraps because they did not want the freight forwarders in Houston to see ProShipLine as a competitor.

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5. During the 8 to 12 months that ProShipLine occupied space in Gnmar's building, I recall seeing David Pulk visit the offices approximately five separate times, but had no meetings with him during his visits. Clarke told me that Pulk had a relationship with Sanjeev Bangad of Aspen due to air freight shipments that EP-team had provided. Clarke said that Pulk put the whole deal together, that Pulk flew to India to sign the contract, and later flew there again to work out problems they were having with Sanjeev. Clarke said that at one point Pulk repeatedly "got upset" with Sanjeev Bangad about their business dealings.

6. During the first three months or so of ProShipLine's occupancy of GnMar's office space, an EP-Team employee named Robert Buhl worked there for a period of 10 to 14 days. I met with him, and understood that he was there for the purpose of identifying terminals in Beaumont and Freeport that Aspen could use for its cargo operations. I know Buhl was an EP-Team employee because he gave me one of his EP-Team business cards. I also recall seeing an EP-Team brochure showing photos of Robert Buhl and David Pulk. During ProShipLine's occupancy, I recall that several other EP-Team representatives visited GnMar's offices, but I do not recall their names.

7. During ProShipLine's occupancy, I was not aware of any separate office maintained by EP-Team in Houston.

Executed: May 13, 2008

Robert Gutierrez

